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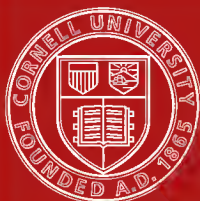
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The Seizure of the bark Maury :report of



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THE
SEIZURE OF THE BARK MAURY.

REPORT

OF THE

Committee of the New York Chamber of Commerce.

NOVEMBER 27, 1855.

NEW YORK :
WM. O. BRYANT & CO., PRINTERS, 41 NASSAU ST COR. LIBERTY

1855.

✓.

REPORT.

The Committee appointed by the Chamber of Commerce to ascertain and report the facts connected with the late seizure of the American bark "Maury," on the information of Mr. Barclay, Her Majesty's Consul at New York, respectfully submit, for the information of the Chamber, the following documents:—

- No. 1.—Mr. Hunter, Assistant Secretary of State, to Attorney General.....Oct. 12, 1855.
- 2.—Telegraphic despatch from Attorney General to U. S. Attorney, N. Y.....Oct. 12, 1855.
- 3.—Attorney General to Secretary of State, " 12, "
- 4.—U. S. Atty., New York, to H. B. M. Consul..... " 13, "
- 5.—Same to Collector of Port..... " 13, "
- 6.—Atty. General to U. S. Atty., N. York, " 13, "
- 7.—H. B. M. Envoy, &c., to Secy. of State, with four affidavits,..... 11, "
- 8.—U. S. Atty., N. York, to Charles Edwards, Esq..... " 16, "
- 9.—Dy. Surveyor of Port to U. S. Atty., N. Y..... " 15, "
- 10.—Inspectors of Customs to Surveyor of Port..... " 15, "
- 11.—U. S. Atty., N. York, to Atty. General, " 17, "
- 12.—Same to U. S. Marshal..... " 17, "

- 13.—U. S. Marshal to U. S. Atty.....Oct. 19, 1855.
- 14.—Messrs. Low to same..... “ 18, “
- 15.—Charles Edwards, Esq., to same..... “ 19, “
- 16.—U. S. Atty., N. York, to Atty. General, “ 19, “
- 17.—Atty. General to Secretary of State.. “ 19, “
- 18.—Same to U. S. Atty., N. York..... “ 22, “
- 19.—Same to Secretary of State..... “ 22, “
- 20.—U. S. Atty., N. York, to Atty. General, “ 20, “
- 21.—A. A. Low & Brothers to John A.
Stevens, Chairman of Committee of
Chamber of Commerce.....
- 22.—Depositions of J. N. Cornell and Wm.
D. Craft, police officers, before the
Mayor.....Nov. 23 “

Your Committee have sought no further evidence, as all the facts and suspicions are comprised in these papers. Proceeding to consider their import, it is to be remarked that the firm in question are American merchants of this city, having a number of vessels, chiefly employed in the Pacific, China, and India seas, being perhaps more largely engaged in this branch of commerce than any other house in the United States; that they are directors and managers in many important commercial institutions, are of high commercial standing, and are well known as men of probity and honor.

Your Committee find that the bark “Maury” was built in this city during the past summer for this firm; that she was advertised by them for thirteen days before the date of the affidavit, under their own name, in five daily papers, to wit, the *Courier & Enquirer*, *Journal of Commerce*, *Commercial Advertiser*, *N. Y. Express*, and *Evening Post*, for Shanghae, in China; was loading wholly on freight; and never having taken her first clearance, her register had not been then issued from the

Custom House ; that there was on board an armament of four guns, with a moderate supply of small arms, and also ten guns on freight, and that other cargo was being received. These guns were first placed in the lower hold, as temporary ballast ; were afterwards raised to the between decks, and were never concealed in any way whatever. Such armament and freight are not unusual for vessels bound for the China seas; and vessels similarly equipped have heretofore been dispatched from this and other ports in the United States, without suspicion or notice ; and apart from other circumstances, armament and guns in the China trade afford no cause to suspect any intended infraction of the Neutrality or Revenue Laws, nor any intended illegal or questionable employment. Your Committee have not been able to ascertain, and do not believe, that there were any other facts which could reasonably lead to such suspicions in regard to this vessel. It is manifest, however, that they were entertained by the British Consul here, and by the British Minister at Washington ; for upon the affidavits and statements submitted by these functionaries, without a full ascertainment of the truth in a matter so important, and without an inquiry from the owners, and chiefly on an oath of belief, without a statement of the facts on which it was founded, the “*Maury*” was taken possession of by the United States Marshal, on the afternoon of the 17th of October, under process from the United States Court, founded on a libel, sworn to by the British Consul, as forfeited for a breach of the Neutrality Laws.

In the view of your Committee, the feelings of a respectable firm, and the character of New York merchants, have been needlessly disparaged and assailed, through heedlessness and culpable want of inquiry, or strange credulity on the part of those making the representations to the officers of the American Government ; for it is clear, that in the lapse of seven days between the day on which the affidavits were made, and the

day of the seizure, the true destination of the vessel, and all the facts of the case, could have been ascertained. The statement of Messrs. Low, so satisfactory after the seizure, could have been as easily obtained before it was made, by a simple application to them. Their advertisements of the vessel were in five daily papers, from the 27th of September to the 24th of October; and the seizure, upon suspicions so carelessly, so credulously entertained, is truly remarkable.

The appearance of the Marshal was the first intimation to the house that their standing and character had not protected them from the charge of being engaged in an unlawful and disgraceful undertaking. But these slanderous affidavits could not stand any examination, and instantly vanished before their simple statement. The exhibition of the unaccountable misapprehension, ignorance and credulity, on which the charge was based, alone survives. The proceeding of Mr. Barclay was withdrawn on the second day, one day being lost by his unwillingness to act, at all, without seeing Mr. Edwards. The Chamber will remark, that the affidavits were all sworn upon the same day, the 10th of October, and that the steamer Pacific, which left this port on the 17th of October, took out the information which has caused so much excitement and alarm on the other side of the Atlantic, unless it was forwarded by a preceding steamer. This information, thus hurried off prior to the seizure of the "Maury," was *ex parte* entirely, and no explanation could accompany it. By a public card, of the 20th instant, Mr. Barclay denies "having written a despatch to her Majesty's Government in regard to that ship." Therefore, from whom it emanated, and by whose indiscretion the relations between the two countries were rudely jarred, is wholly in the dark. The letters of Mr. Barclay and Mr. Crampton leave upon them the burden of answering the inquiry. Your Committee were greatly surprised to observe by Mr. Crampton's note to the

Secretary of State, that he had been informed by Mr. Barclay, not only that "he has good reason to believe that this vessel" (the "Maury") "is intended for the service of Russia in the present war, but that a plan exists for fitting vessels of a similar description in other ports of the United States, with the express design of committing hostility against Her Majesty's Government, and more particularly of intercepting and capturing the British Mail Steamers plying between Liverpool and Boston." For such a statement, your Committee have been able to find no warrant in the affidavit by any person, or of any fact, or indeed of any belief. They believe that no fact exists warranting any such statement, and they share a common surprise that any man living in this city, or having communication with it, should for a moment believe it. On the contrary, the Committee have it from the highest authority, that the Government has no knowledge, belief, or suspicion that any privateer, or other armed vessel, is fitting out, or has been fitted out, in this country, for or against any of the European belligerents.

The Committee further report, that the following card from the British Consul appeared in the New York *Herald* of the 24th October, and do not find that it was published in any other paper:—

"Misrepresentations on the above subject" (regarding the 'Maury') "having been published in various newspapers, among others that munitions of war were found on board 'secreted under a quantity of cotton,' I desire to disabuse the mind of the public of that impression by stating that such was not the case.

"Had my endeavors, made before information was formally lodged, to ascertain the owners of the ship 'Maury' succeeded, the explanations which that respectable firm—Messrs. A. A. Low & Brothers—gave after the libel was filed, would have been sought by me, and no doubt would have been given be-

fore, and the course which was adopted would not have been resorted to.

(Signed)

A. BARCLAY,
H. B. M. Consul.

New York, Oct. 23, 1855."

This publication was not in time for the next steamer, which sailed from Boston for Liverpool the same day. It is for the Chamber to consider whether this card was an adequate atonement to the house whose vessel had been seized, or to this commercial community; or whether, in so grave a matter, affecting the sensibilities of two great nations, the most speedy and widespread recantation were not due to both,—alike from the British Consul and the British Minister.

The Government of the United States, from the time of the administration of Washington, to the present case of the "Maury," during all the contests which have existed since their independence, has, without fear or partiality, strictly enforced the rigid neutrality laws of the United States.

Although lawless men have sometimes escaped its vigilance, no administration of this government has given reason to doubt its determination to maintain them. When the authorities, by accident, have not been able to prevent the offences, they have uniformly brought the offenders to trial at the earliest opportunity, and such trials have always been made with all the urgency which is consistent with justice.

It is due to our country briefly to recall the features of our neutrality laws. They not only express the political, but commercial sentiment of the country. First enacted in 1794, they have been continued and made more effectual by repeated subsequent enactments. No laws are more widely or generally known among public men. They forbid any citizen to accept any commission to serve against any people in peace with the

United States. They forbid foreigners transiently within the United States, or on board any vessel within its jurisdiction, to enlist, or to go abroad to be enlisted, in the service of any nation at war with any such people. They forbid the fitting or arming any vessel, or increasing the armament of any armed vessel, with intent to be employed in any such service.

They forbid all military expeditions against any nation at peace with the United States, from the beginning, to provide means therefor, to the actual departure of such expeditions. They forbid the being concerned in fitting out any vessel to commit hostilities against any nation at peace with the United States.

These laws are the well-known expression of public opinion, and the common sentiment of the country. They have been enforced, as occasion required, against and in favor of all nations alike ; against France, our earliest ally ; in favor of Spain, when we had serious questions with her ; against the weak and rising republics of the Continent ; and now, without partiality or fear, against England, the most warlike and the most commercial of nations having relations with us.

The Chamber of Commerce of New York, holding these enactments as binding equally in law, honor and conscience, claim but a common right in asserting that a charge of violating them,—a charge which they deem a disgraceful impeachment,—should not be lightly made, nor without careful inquiry, against any of their members.

The Committee unanimously recommend to the Chamber the adoption of the following resolutions :—

1. *Resolved*, That the Chamber of Commerce of New York receive and adopt the Report, as a correct statement, and as containing the sense of this body on the subject.

2. *Resolved*, That no proper amends or apology have been made to A. A. Low & Brothers for the charge brought against

them, which, if true, would have rendered them infamous; nor to the merchants of this city and country, so falsely and injuriously assailed.

3. *Resolved*, That the merchants of New York, as part of the body of merchants of the United States, will uphold the Government in the full maintenance of the Neutrality Laws of the country ; and we acknowledge and adopt, and always have regarded the Acts of the United States for preserving its neutrality, as binding in honor and conscience, as well as in law ; and that we denounce those who violate them as disturbers of the peace of the world, to be held in universal abhorrence.

All of which is respectfully submitted.

New York, 27th November, 1855.

JOHN A. STEVENS,
 GEORGE GRISWOLD,
 P. PERIT,
 E. E. MORGAN,
 THOMAS TILESTON,
 CHARLES H. MARSHALL,
 STEWART BROWN,
 MOSES H. GRINNELL,
 ROYAL PHELPS,
 ROBERT C. GOODHUE,
 JAMES LEE.

APPENDIX.

(Copy.)

No. 1.

DEPARTMENT OF STATE, WASHINGTON,

12th October, 1855.

Sir,—By direction of the Secretary of State, I have the honor to enclose a copy of a note of the 11th instant, addressed to this Department by Mr. Crampton, Her Britannic Majesty's Minister, and of the affidavits which accompanied it, relative to a vessel called the "Maury," which is stated to have been fitted out at New York, in violation of the laws of the United States, for the purpose of cruising against British vessels.

I have the honor to be,

Very respectfully,

Your obedient servant,

(Signed)

W. HUNTER,

Assistant Secretary.

To the Hon. CALEB CUSHING,
Attorney-General.

No. 2.

(Copy.)

WASHINGTON,

12th October, 1855.

(By telegraph.)

JOHN McKEON,
Attorney U. S.,
New York.

Mr. Crampton alleges that vessel called "Maury" in Dover street dock, is armed for war against England. Please take information from Mr. Barclay, and prosecute if cause appears.

Copies by letter to-morrow.

(Signed) C. CUSHING.

(Copy.)

No. 3.

ATTORNEY-GENERAL'S OFFICE,

12th October, 1855.

Sir,—I have the honor to inform you that, in consequence of the information communicated this day by Mr. Crampton, the Minister of Great Britain, in regard to the vessel called "The Maury," instructions have been despatched to the Attorney of the United States in New York to advise immediately with Mr. Barclay, the British Consul there, and to institute the proper legal proceedings in the case, if sufficient cause to justify the same shall appear.

I am,

Very respectfully,

(Signed) C. CUSHING.

HON. WM. L. MARCY,
Secretary of State.

(Copy.)

No. 4.

SOUTHERN DISTRICT OF NEW YORK.

U. S. DISTRICT ATTORNEY'S OFFICE,

Oct. 13th, 1855, 9½ A. M.

Sir,—Late last evening, I received from the Attorney-General of the United States a telegraphic despatch, requesting me to obtain information from you, in relation to a vessel in this port, supposed to be engaged in a violation of our Neutrality Laws.

I called this morning at 9½ o'clock at your office, with the Marshal of this District, but the office was not open. Will you do me the favor to call at once at my office, or send to me the information, so that I may act?

With great respect,

I remain, your obedient servant,

(Signed)

JOHN McKEON,

U. S. Dist. Atty.

ANTHONY BARCLAY, Esq.,
Counsel of Her Britannic Majesty.

(Copy.)

No. 5.

SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

October 13, 1855.

Sir,—You will please send at once on board of a vessel called the “Maury” an inspector, and examine into her cargo.

She lies at Dover street dock. You will please delay her clearance until a report is made to me of her cargo.

Very respectfully,

Your obedient servant,

JOHN McKEON,

U. S. Dist. Atty.

H. J. REDFIELD, Esq.,

Collector, &c.

(Copy.)

No. 6.

ATTORNEY-GENERAL'S OFFICE,

13th October, 1855.

Sir,—Yesterday I telegraphed you concerning the ship “Maury,” said to be fitting out in New York, in violation of the statutes of the United States.

I now enclose to you a copy of a despatch from Mr. Crampton, the British Minister, dated the 11th instant, to which I there referred. With this document before you, and the information which Mr. Barclay may impart, you will be able to understand what further it may be proper for you to do in the premises.

I am,

Very respectfully,

(Signed)

C. CUSHING.

JOHN McKEON, Esq.,

U. S. Attorney.

(Copy.)

No. 7.

BRITISH LEGATION, WASHINGTON,

October 11, 1855.

Sir,—I have the honor to call your attention to the enclosed depositions which have to-day been forwarded to me by Mr. Barclay, Her Majesty's Consul at New York, in regard to a vessel called the "Maury," which is now fitting out at that port, and which, it appears, is evidently intended for warlike purposes.

Mr. Barclay further informs me that he has good reason to believe that this vessel is intended for the service of Russia in the present war, and also that a plan exists for fitting vessels of a similar description in other ports of the United States, with the express design of committing hostilities against Her Majesty's Government, and more particularly of intercepting and capturing the British Mail Steamers plying between Liverpool and Boston.

However this may be, the circumstances stated in the enclosed affidavits are of so positive a nature, and bear so suspicious an appearance, that I feel it to be my duty to call the attention of the United States Government to the matter, with a view to an inquiry into the facts; and if these shall be confirmed, to the adoption of such measures on the part of the United States authorities as may defeat the hostile intentions which appear to be entertained by the persons engaged in fitting out the vessel or vessels in question.

I avail myself of this opportunity to renew to you, Sir, the assurance of my high consideration.

(Signed)

JOHN F. CRAMPTON.

The Honble. WM. L. MARCY.

 (Copy.)

City, County, and State of New York:

Anthony Barclay, Her Britannic Majesty's Consul for the State of New York, being duly sworn, doth depose and say: That from information given to him, he verily believes, and expects to be able to prove, that a certain new vessel, now in the port of New York, called the "Maury," has been built, fitted out and armed with intent that such vessel should be employed by the Russian Government to cruise and commit hostilities against the subjects and property of the Queen of Great Britain, with whom the United States are at peace, and this deponent stands ready to bring forward his proof thereof; and he respectfully claims that proceedings be had and taken

whereby the said vessel, with her tackle, apparel and furniture, together with all material and ammunition and stores, which may have been procured for this building and equipment thereof, shall and may be forfeited.

(Signed)

ANTHONY BARCLAY.

Sworn to, this 10th day of October, }
1855, before me, }

(Signed) GEORGE W. MORTON,
U. S. Com.

City, County and State of New York :

John A. Cornell, of New York city, Police Officer and Dock master of the Eleventh Ward, being duly sworn, maketh oath and saith : That his suspicions have been excited for several weeks past by the appearance of a new three-masted, square-rigged schooner, which was lying at the foot of Stanton street, New York, up to Monday evening, the 8th of October, when she moved down to Dover street dock, and is there now ; that she has the name of the “Maury” upon her stern, but has never yet been out of port, and deponent has ascertained at the Custom House of the port of New York that she has not at present got her register ; that this deponent is well acquainted with the build of vessels, and he has no hesitation in deposing that this vessel, named the “Maury,” is built, rigged and equipped for warlike purposes, and has not the construction of a vessel for the merchant service ; that his suspicions were particularly aroused from the nature of her cargo she has taken on board, which consists of war cannon, cannon balls, small arms, coals, 60 or 80 extra spars, and other mercantile articles ; that this deponent, within a few days last past, has been over the whole of the said vessel ; at the bottom of the said vessel, and just above what appears to be intended as ballast, are from 200 to 300 square boxes, containing cannon balls ; also, there are from 18 to 20 cannon intermingled with the said boxes, apparently so that they may pack well ; on the top of the cannon is a large quantity of coal, while on top of the coal is a lot of lumber and the aforesaid extra spars ; in the lockers of the cabin is a very large quantity of guns, pistols, swords and other implements of war ; and this deponent verily believes that she is so fitted out for warlike purposes ; her cannon are all mounted, and she has port-holes for cannon ; and this deponent further says, that a person who assumes to act as first mate of the vessel showed her to deponent, and remarked she had a curious kind of cargo, and the manner of the mate was such as to make deponent believe that the vessel was going on a warlike voyage ; the said mate told de-

ponent that some of the aforesaid cannon were for 18 and 20 pound ball, and that the cannon on the main deck were for 9 pound ball calibre ; deponent saw the mark "23" upon one of the cannon, and the mate said that was the number of the cannon ; and this deponent further saith, that from all he knows and has been informed, and has observed, he believes that the said vessel, the "Maury," has been built, and armed and equipped as aforesaid, by the Russian Government, or its agents, to be used for war purposes against Great Britain, and he hereby informs against her and her equipment accordingly.

(Signed) JOHN N. CORNELL.

Sworn at the city of New York, Second Circuit, }
the 10th day of October, 1855, before me, }

(Signed) GEORGE W. MORTON,
U. S. Com.

(Copy.)

City, County and State of New York :

Charles Edwards, of the city of New York, Counsellor at Law, being sworn, maketh oath and saith, he verily believes the new vessel "Maury" has been built, equipped and loaded by and for the Russian Government, to be used in present war against the vessels and subjects of Great Britain.

That a person, who deponent believes has been in the pay of Russia, gave him a full explanation of the armament on board the said vessel, which tallies with the statement contained in the affidavit of John N. Cornell, hereto annexed, except that the explanation to this deponent was much more minute.

Also, this deponent gathered from the person referred to, that the said vessel, the "Maury," when outside of port, would ship a new crew of about 80 men, and she would be employed at first more particularly in attempting to overhaul some one or more of what are known as the "Cunard steamers," (British vessels,) and take them as prizes, put additional coal on board, and guns, and then go in company ; while there were also other vessels built and fitted out by the Russian Government similar to the "Maury," who were ready to join her on similar errand, with an ultimate destination against British possessions in the Eastern hemisphere.

CHARLES EDWARDS.

Sworn at the city of New York, }
Second Circuit, the tenth day }
of October, 1855, before me, }

G. W. H. MARTIN.

(Copy.)

City, County and State of New York :

William D. Craft, of New York, First Lieutenant of Police, of the Eleventh District of Police for the city of New York, being duly sworn, doth depose and say : That on the 6th day of October, instant, he went on board a new vessel called "The Maury," then lying at the foot of Stanton street, New York, and was shown over her. On her upper deck were six cannon, all mounted, and port-holes for the guns, and between decks were ten cannon, all mounted. Also, deponent saw a quantity of horse pistols in the cabin ; there was coal on board, and deponent was informed that there were a number of guns underneath the coal. Deponent also discovered boxes between decks. The between decks were all clear fore and aft, with the exception of pump-well and chain-box. She was painted white between decks, with the exception of the lower side of the deck beams, they being of yellow pine. And this deponent also saith that he was a ship carpenter by trade, and from his observation of the particular build, furniture and apparel of the said "Maury," he believes she is a vessel of war.

WM. D. CRAFT.

Sworn at the city of New York, }
 Second Circuit, the 10th day of }
 October, 1855, before me, }

G. W. H. MARTIN,

M. Cir.

(Copy.)

No. 8.

SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,

October 16th, 1855.

Sir,—I have prepared a libel against the ship or vessel called the "Maury," upon the facts laid before the Government by H. B. M. Envoy at Washington.

A verification of the pleading is required to be made by some party officially recognized as representing Her Britannic Majesty's Government at this port.

I am,

Very respectfully,

(Signed)

JOHN McKEON,

U. S. Dist. Atty.

TO CHARLES EDWARDS, Esq.,

(Copy.)

No. 9.

CUSTOM HOUSE, NEW YORK,
Surveyor's Office, Oct. 15th, 1855.

Sir,—I enclose report of District Officers who examined the bark "Maury," pursuant to instructions. This bark is new, and has not yet taken out her register—said to be owned by Low & Brothers, whose vessels are all, I believe, engaged in the China trade.

Very respectfully,

Your obedient servant,

(Signed) J. L. BENEDICT, Dy. Sr.,
For Surveyor.

H. J. REDFIELD, Esq.,
Collector.

(Copy.)

No. 10.

To JOHN COCHRANE, Esq., Surveyor of the Port:

Dear Sir,—Pursuant to instructions, we have been on board the bark "Maury," and find her laden on her ground tier with coal, and naval stores above the coal.

She was taking on board, on Saturday last, the 13th, cases of goods, casks of hardware, scales and beams, pickles, preserves and catsups.

She has on her lower deck *ten*, and on her upper deck four cannon, all mounted.

The dock clerk says she is loading for Shanghae, to go in the opium trade.

New York, October 15th, 1855.

Yours respectfully,

(Signed) JACOB BITTEL, }
A. W. SHADBOLT, } Inspectors.

(Copy.)

No. 11.

SOUTHERN DISTRICT OF NEW YORK.

UNITED STATES DISTRICT ATTORNEY'S OFFICE,
October 17th, 1855.

Sir,—I have the honor to report, that acting on the communication from you, and after consultation with Mr. Barclay and his legal adviser, I have

this day filed a libel on the Admiralty side of the U. S. District Court against the vessel assuming to be called the "Maury," under the 3d section of the Neutrality Act of 20th April, 1818.

With high respect,

Your obd't servant,

JOHN McKEON,

U. S. Dist. Atty.

To Hon. CALEB CUSHING,

Attorney-General, U. S.

(Copy.)

No. 12.

SOUTHERN DISTRICT OF NEW YORK.

U. S. DISTRICT ATTORNEY'S OFFICE,

October 17th, 1855.

Sir,—I take the liberty to request that you will have the cargo of the "Maury" carefully examined, and communicate to me the result.

It is proper for me to state, that it is supposed that you will find munitions of war stowed under the lading of coal on board.

Very respectfully,

(Signed,)

JOHN McKEON,

U. S. Dist. Atty.

A. T. HILLYER, Esq.,

U. S. Marshal,

Southern Dist. N. Y.

(Copy.)

No. 13.

SOUTHERN DISTRICT OF NEW YORK.

U. S. MARSHAL'S OFFICE,

New York, October 19th, 1855.

To JOHN McKEON, Esq.,

U. S. Attorney.

Sir,—In reply to your communication of the 17th inst., requesting me to have the cargo of the "Maury" carefully examined and report to you the result, I beg leave to inform you that I have ascertained there are 250 tons of coal in the run of said vessel, 10 iron cannon between decks,

mounted on wooden carriages, 4 ditto on deck, a number of boxes containing muskets, not opened; a number of small and side-arms in the cabin, a lot of shot, and an assorted cargo, lumber, &c. Should it be deemed necessary to have the cargo thoroughly overhauled and the coal taken out, the expense attending such labor would not be less than \$150 or \$200. Awaiting your further instructions in the case,

I remain, your ob't serv't,
 (Signed) AB. T. HILLYER,
 U. S. Marshal.

New York, Oct. 18, 1855.

No. 14.

To the Hon. JOHN McKEON, U. S. District Attorney :

Sir,—The bark “Maury,” owned in part by the undersigned, having been seized by a process from your office, we beg to offer the following explanations, viz. :

That the said vessel was built by Messrs. Roosevelt, Joice & Co., of this city, under a contract made in the month of April last, after the model of the bark Penguin; that she was designed for the China trade; that there is nothing peculiar in her construction apart from the rig, which was adopted with particular reference to economy in men; that in pursuance of the original intention, she was advertised some three weeks since for Shanghae, since which she has been receiving freight for that port; that she has on board, from Messrs. Fogg & Brothers, 200 tons of coal, a quantity of naval stores, and a variety of ship chandlery, for their house in China, with a little other general freight, with which she is expected to sail the coming week, under the command of Captain Fletcher, for the port above named.

We further declare, that in addition to the ordinary armament of a vessel of her class, she has but two deck guns, supposed to be necessary in consequence of the great increase in the number of pirates on the coast of China; that the other guns, shot, &c., on board, as per subjoined list, were purchased under an order from an American gentleman at Canton, and shipped per “Maury” on freight; that said vessel has four spare spars, one fore-top-gallant mast, one fore-top-gallant yard, one main boom, one main gaff boom, and five extra studding sail booms; and that her crew will consist of but twelve or fourteen men before the mast.

They furthermore declare that the vessel received the name of “Maury” in the month of May last, not to dishonor a man of whom our country has so much reason to be proud, but to bear upon an honorable mission the name of him who has done so much to improve navigation.

The undersigned pledge themselves to prove to the satisfaction of the British Consul, while the vessel is still under the charge of the U. S. Marshal, that the allegations made against the vessel are false; that she has no guns or materials of war under her coal, asking only that the expense to which they may be thus subjected shall be borne by the said Consul, when, and only when, the statements upon which the vessel has been so unjustly seized, are fully disproved.

Finally, they declare that the Russians have no connection whatever with the enterprise in question.

A. A. LOWE,
Of the firm of A. A. LOW & BROTHERS.

On freight 10 guns, 62 boxes of shot.

Sworn to before me, this 18th }
day of October, 1855, }

GEO. F. BETTS,
U. S. Commissioner.

I hereby swear that I am cognizant of the facts mentioned in the foregoing statement, and that they are true.

NATH. B. PALMER.

Sworn to before me, this 18th }
day of October, 1855, }

GEO. F. BETTS,
U. S. Commissioner.

(Copy.)

No. 15.

In the matter of the "Maury."

Dear Sir,—From the explanations made in the case by Messrs. A. A. Low & Brothers, under oath, and your own very proper suggestions, I deem it reasonable that you should be left entirely free; confessing that although statements to me were very strong, it would be but fair towards the owners to "lift" the libel.

New York, 19th Oct., 1855.

I remain, dear sir,

Yours, always, very respectfully,
(Signed) CHARLES EDWARDS.

To JOHN McKEON, Esq.,

U. S. District Attorney.

No. 16.

SOUTHERN DISTRICT OF NEW YORK.

U. S. DISTRICT ATTORNEY'S OFFICE,
October 19th, 1855.

Sir,—Since filing the libel against the bark “Maury,” reported to you on the 17th inst., I have been attended by one of the firm of A. A. Low & Brother, the owners of the “Maury,” who furnished me an original statement, which I enclose.

Charles Edwards, Esq., was present when the explanations were made, and has addressed to me a letter, of which I transmit a copy. Upon a full view of all the circumstances, I deemed it right to order a discharge of the vessel, and to ask your concurrence in dismissing the libel.

I have the honor to remain, sir,

Your obedient servant,

JOHN McKEON,

U. S. Dist. Atty.

To Hon. CALEB CUSHING,
Attorney-General, U. S.

(Copy.)

No. 17.

ATTORNEY-GENERAL'S OFFICE,
19th October, 1855.

Sir,—I have the honor to enclose herewith copy of a letter this day received from Mr. McKeon, Attorney of the United States for Southern New York, reporting the institution of process against the vessel called “Maury,” as to which complaint has been made by the British Minister, alleging that said vessel is armed in violation of law to cruise against a neutral power.

I am,

Very respectfully,

(Signed)

C. CUSHING.

Hon. WM. L. MARCY,
Secretary of State.

(Copy.)

No. 18.

ATTORNEY-GENERAL'S OFFICE,
22d October, 1855.

Sir,—I have received your letter of the 19th instant, communicating the result of inquiry regarding the bark “Maury.”

The allegation against that vessel was improbable on its face; but, determined as the President is not to suffer any of the belligerent powers to trespass on the neutral rights of the United States, it was deemed proper to investigate the case, out of respect for the British Minister, through whom the British Consul, at New York, preferred complaint in the premises.

It is made manifest, by the documents which you transmit, that the suspicions of the British Consul as to the character and destination of the “Maury,” were wholly erroneous; and justice to her owners and freighters requires that the libel against her be dismissed.

I have the honor to be,

Very respectfully,

(Signed)

C. CUSHING.

HON. JOHN McKEON,

Atty. of U. S., New York.

No. 19.

ATTORNEY-GENERAL'S OFFICE,
22d October, 1855.

Sir,—I have the honor to communicate to you the history and result of the proceedings in the case of the bark “Maury,” of New York.

In consequence of the British Minister's communication to you, of the 11th instant, and which you referred to me on the day of its receipt, (the 12th,) brief instructions were, on the same day, despatched by telegraph to Mr. McKeon, Attorney of the United States for the Southern District of New York, and more detailed instructions by mail the next day, requesting him to make immediate inquiry on the subject of the “Maury,” to consult thereon with Mr. Barclay, the British Consul at New York, and, if sufficient probable cause appeared, to institute the proper process against her in the District Court.

These instructions were induced by the documents communicated by the British Minister, copies of which were transmitted by me to Mr. McKeon.

The documents consisted of—

1. An affidavit by Mr. Barclay, setting forth that he believed, and expected to be able to prove, that the "Maury" was built, fitted out, and armed, with intent to be employed by the Russian Government to cruise against the subjects of Great Britain, and that he stood ready to bring forward his proof thereof.

2. An affidavit of one Cornell, purporting to be a police officer in New York, who professes to describe the build, equipment, armament and cargo of the "Maury," and concludes with expression of belief that she was built, armed and equipped by the Russian Government for war purposes against Great Britain.

3. An affidavit of one Craft, also purporting to be a police officer in New York, who speaks more guardedly, briefly describes the visible armament of the "Maury," repeats hearsay as to her freight, and expresses belief that she is a vessel of war.

4. Finally, the affidavit of Mr. Edwards, a counsellor-at-law in New York, understood to be counsel for the British Consul, who says that he verily believes that the "Maury" was built, equipped, and loaded by and for the Russian Government, to be used in the present war against the vessels and subjects of Great Britain.

Mr. Edwards then proceeds to state that a person, who, he believes, has been in the pay of the Russian Government, gave him a full explanation of the armament and destination of the "Maury." He, Mr. Edwards, "gathered from the person referred to" that the plan of the "Maury" was to attack and capture one of the Cunard British Mail Steamers, arm the prize, and, after being joined by other vessels of the same construction, built and fitted out by the Russian Government, to proceed to attack the "British possessions" in the East Indies.

The representations concerning the "Maury," which Mr. Edwards thus adopted, were so grossly improbable on their face, and had so much the air of a contrivance to impose on him, and, through him, the British Consul, as to produce some hesitation in my mind as to the propriety of instituting process in the case; but the specific and positive statements of Cornell and Craft, especially the former, as to the build, rig, armament and imputed contents of the vessel, seem to me, on the whole, to justify and require an examination of the case, at the hazard of possible inconvenience to innocent parties.

To make such examination effectual, it was necessary to libel the "Maury," and place her in charge of the Marshal.

I have now received from Mr. McKeon report of the result of the investigation.

It appears that the "Maury" was owned in part by Messrs. A. A. Low & Brothers, who have afforded satisfactory information as to her construction, character and destination.

They make affidavit that she was built and equipped for trade with China, having, in addition to the ordinary armament of vessels in that business, only two deck guns, deemed requisite on account of the increase of piracy in the seas of China.

It further appears by these explanations, that the statements made as to the guns and munitions of war and extra spars on board the "Maury" were inaccurate, to use the mildest admissible expression; that the surmises as to the illegality of her character are not substantiated by proof; and that she is in fact advertised for general affreightment, and receiving cargo destined for Shanghai.

Neither Mr. Barclay nor Mr. Edwards brought forward any evidence to contradict these facts; on the contrary, Mr. Edwards has, in a letter addressed to Mr. McKeon, expressed his conviction of the propriety of dismissing the libel; which is also recommended unreservedly by Mr. McKeon.

Under these circumstances, it affords me pleasure to enable you to give assurance that the Cunard Mail Steamers may continue to enter and to leave our ports, without apprehension of being captured by the "Maury," and converted into Russian men-of-war for the prosecution of hostilities in the East Indies.

I annex copies of Mr. McKeon's report; of the affidavits submitted by parties interested in the "Maury," or in her lading; and of the letter of Mr. Edwards to Mr. McKeon.

I am,

Very respectfully,

(Signed)

C. CUSHING.

Hon. WM. L. MARCY,
Secretary of State.

No. 20.

SOUTHERN DISTRICT OF NEW YORK.

U. S. DISTRICT ATTORNEY'S OFFICE,
New York, Nov. 20, 1855.

Sir,—I have the honor to enclose a copy of a letter received from Hon. M. H. Grinnell.

I am not aware of any objection on our part, but still I desire to have your

assent to the application, before I deliver the papers referred to in Mr. Grinnell's letter.

Very respectfully,

JOHN McKEON,
U. S. Dist. Attorney.

HON. CALEB CUSHING,
Attorney-General, &c.

[No. 21.]

TO JOHN A. STEVENS, Esq., Chairman of Committee of Chamber of Commerce :

The bark "Maury" was launched about the last of September; and, at an early day thereafter, the undersigned agreed with Fogg, Brothers, of this city, to take for them to the port of Shanghae, in China, 200 tons of coal, 1,000 bbls. of merchandise, and 70 to 80 tons of measurement goods.

The coals not being at once available, ten mounted guns and their equipments, intended to have been sent by the "N. B. Palmer," but not ready in season for her, were sent to the vessel to be placed in her bottom, and to serve as ballast till the coal could be had. When this was put on board, the guns were raised between decks, and shortly afterwards the vessel was moved to her berth at pier 27 East River.

Having been publicly advertised by the undersigned for the port of Shanghae, in five daily papers, the "Maury" was receiving freight at the place above named on the 17th day of October, at 2 to 3 o'clock P. M., when the U. S. Deputy Marshal appeared on board, displaced the captain, and ordered the hatches of the vessel to be closed.

Captain Fletcher immediately made known to us what had taken place, and the writer repaired to the office of the U. S. District Attorney to obtain an explanation. He was in court, and appointed the following morning for an interview. At 9 A. M. of Thursday, the 18th, the writer called at his office with his partner, Mr. Lyman, and Mr. Fogg, of the firm above referred to, and finding that the vessel had been seized by reason of information lodged against her by the British Consul, as set forth in the accompanying deposition, the following statement was drawn up and sworn to. [See No. 14.]

This, the District Attorney said, he would forward to Washington. In the meantime, he was willing to release the vessel on our giving bail, which we thought it best not to do.

From the District Attorney, the writer went to Mr. Barclay, made the

explanations which had been given to the former, showed the order under which the guns had been purchased, and requested a withdrawal of his complaint against the bark. Mr. Barclay was not willing to act without first seeing Mr. Edwards, his counsel, and a party to the complaint. When called upon a second time, the statement made to the District Attorney was read to him, but he was still unwilling to act without Mr. Edwards.

On the following day, about forty-eight hours after the vessel was seized, Mr. Edwards called at the District Attorney's office, withdrew the complaint, and the libel was lifted without any charge to the owners of the "Maury."

It is due to the District Attorney to state, that in the meantime the vessel was allowed to receive cargo under the surveillance of two of the Marshal's men.

On Monday, the 22d, Mr. Barclay called at the office of the subscribers, and expressed his regret that he had occasioned us so much trouble; and was told that the least he could do was publicly to acknowledge the error into which he had been betrayed, and to say that the vessel had been seized in ignorance of her ownership.

A paragraph from the *Boston Daily Advertiser* was shown to Mr. Barclay, as an evidence of the exaggerated character the report of the vessel's seizure was assuming in other places. On Wednesday, the 24th, the following appeared in the *New York Herald*:

"Misrepresentations on the above subject having been published in various newspapers—among others, that munitions of war were found on board, 'secreted under a quantity of cotton'—I desire to disabuse the mind of the public of that impression, by stating that such was not the case.

"Had my endeavors, made before information was formally lodged, to ascertain the owners of the ship Maury succeeded, the explanations which that respectable firm, Messrs. A. A. Low & Brothers, gave after the libel was filed, would have been sought by me, and no doubt would have been given before, and the course which was adopted would not have been resorted to.

A. BARCLAY, H. B. M.'s Consul.

New York, Oct. 23, 1855."

The undersigned beg to say, that it had been publicly announced in New York papers again and again, that the vessel was building for them; she was publicly advertised in their name; insurance had been done upon her to a large amount in Wall street; the deponents Cornell and Craft are well known to the builders, are accustomed to be in their yard almost daily, and it is impossible to resist the conviction, that to them at least it was known for whom she was preparing for sea.

They respectfully ask, then, if the evidence upon which the complaint is founded should be weighed against the character and standing of respectable and responsible men, if it was of a nature to warrant so extreme a measure without the most rigid inquiry in a proper direction, and, when

shown to be utterly worthless, whether the apology of Mr. Barclay was of that prompt and ample character which one honorable man should delight to make to another whose reputation he has unwittingly, unjustly called in question?

A. A. LOW & BROTHERS,

By A. A. Low.

(No. 22.)

City and County of New York, ss.:

John N. Cornell, Policeman of the Eleventh District of this city, acting as Dockmaster, being duly sworn, doth depose and say: That in September last he was applied to, by the person acting as mate of the three-masted schooner or ship "Maury," then launched about one week from the shipyard of Roosevelt, Joice & Co., to give said vessel a berth at the foot of Stanton street, East river. That this deponent gave said vessel a berth, and was in the habit of seeing her every day, whilst she lay at that berth. This deponent further says, his particular attention was called to said vessel by some cartmen telling him that they had seen cannon going on board, and asked this deponent if he knew what it meant. This deponent was then invited by the mate to go on board, which he did, and was shown by the said mate several cannon in the hold, and some small arms in the cabin, and said mate at the same time remarked to mechanics working on board that he supposed there was a vessel of war waiting outside for us, and here was an officer on board (alluding to this deponent) ready to take possession of the vessel. And this deponent further says, that in reply to an inquiry made of the said mate, he said he had shipped on board the "Maury" to go to the China seas, but that he had a damned queer cargo to go there.

And this deponent, from these circumstances, and from what he had seen, had his suspicions excited that all was not right, and so stated in general conversation in his family, and in the presence of his son, John T. Cornell, a law student or clerk in the law office of Charles Edwards, Esq., attorney at law, 35 Pine street, this city. A few days after this conversation in the family of this deponent, his son told this deponent that his employer, Mr. Edwards, would like to see him, and one or two days thereafter he repaired to the office of said Edwards, and in reply to his inquiries, and at his request, narrated the above circumstances; the said Edwards at the same time telling this deponent that some person, a stranger to him, had made to him similar statements. And this deponent further says, that said

Edwards stated, that the person who had been his informant told him that it was designed to fit out the "Maury" as a Russian privateer, for the purpose of capturing one of the Cunard English steamers, and asked this deponent to make an affidavit of what he had seen and heard of this vessel, and all other particulars relating to her, or her equipment; but that this deponent should first get some person who was better acquainted with vessels, also to go on board and see what he could, as combative, particularly whether the vessel looked like a vessel of war.

And this deponent further says, that said Edwards told him, that if he, this deponent, could be the means of detecting this movement, and it should turn out that the vessel was being fitted out for such a purpose, that this deponent would receive a large reward. This deponent then returned to the station-house and informed Lieutenant Craft of the circumstances, knowing that said Craft had been a ship-carpenter by profession, and was a judge of vessels. Said Craft consented to go on board and look at the "Maury," and did go on board and make examinations. And this deponent further says, that he and said Craft, a few days afterwards, went down to the office of said Charles Edwards, at whose request both this deponent and Craft went to the office of United States District Attorney, to make oath to the affidavits in the premises, which had been previously drawn up by said Edwards in his own office. And this deponent further says, that at the office of the District Attorney, he was presented to John McKeon, Esq., to whom he stated the whole matter, and who, after reading this deponent's affidavit, stated that it was very suspicious, and that he thought there was enough to seize the vessel, and informed this deponent that if there could be sufficient evidence obtained to seize the vessel, that this deponent "would make a good thing of it."

And this deponent further says, that about one or two weeks after this, his son, John T., informed him that the owners, Messrs. Low, had explained everything satisfactorily to Mr. Edwards, and that the "Maury" had been allowed to sail.

JOHN N. CORNELL.

Sworn before me, this 23d }
 November, 1855, }
 FERNANDO WOOD,
 Mayor.

William D. Craft, Lieutenant of the 11th District Police, being duly sworn, deposes and says, that he is the person alluded to in the deposition

above made by John N. Cornell, and that the said deposition is true, of his own knowledge, so far as it refers to this deponent going on board of the "Maury" at his request, and making an affidavit at the office of Mr. Charles Edwards, at the request of said Edwards. And this deponent further says, that his suspicions were somewhat excited as to the character of the "Maury" from her model, her rig, the armament on board, and the general rumor as to Russian privateers.

WM. D. CRAFT.

Sworn to this 23d Nov., 1855, }
 before me, }
 FERNANDO WOOD,
 Mayor.

